

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-7 are pending in the present application. Claim 1 has been amended to incorporate the features of original Claim 2. Accordingly, Claim 2 is cancelled without prejudice or disclaimer. Thus, no new matter is added.

In the outstanding Office Action Claims 1- 7 were rejected under 35 U.S.C. § 102(e) as anticipated by Fujioka (U.S. Publication No. 2003/0005321).

With respect to the rejection of Claims 1-7 under 35 U.S.C. § 102(e) as anticipated by Fujioka, Applicant respectfully traverses this rejection with respect to amended Claim 1 and claims dependent therefrom. Amended Claim 1 recites, in part, a non-contact IC card for communicating data with a reader/writer in a contactless manner, said non-contact IC card comprising encryption means and frequency control means, wherein hardware of the encryption means which is not required for the public key encryption operation is not operated during the public key encryption operation, and hardware of the encryption means which is not required for the common key encryption operation is not operated during the common key encryption operation.

Amended Claim 1 is directed to achieving desired circuit size, power consumption, and cost characteristics for non contact IC cards which can communicate over a distance during a public key encryption operation using both a common key encryption algorithm and a public key encryption algorithm so as to be applied to a variety of services.<sup>1</sup>

In order to accomplish this goal, the invention recited in Claim 1 includes encryption means not required for the public key encryption operation which are not operated during the

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<sup>1</sup> See e.g., the Specification, page 1, lines 19-21 and page 4, lines 5-10.

public key encryption operation, and encryption means not required for the common key encryption operation which are not operated during the common key encryption operation.

Fujioka is directed toward an information processing device which uses a storage unit to store key data used for encryption processing. Fujioka has as its object making it difficult for someone to know the key data through power analysis because Fujioka keeps power consumption levels the same when key data is read for encrypting data.<sup>2</sup> Fujioka does this by using dummy key data concurrently while performing encryption with the real key data<sup>3</sup>, by using random numbers,<sup>4</sup> by changing the order of processing,<sup>5</sup> modifying the clock operation,<sup>6</sup> randomizing the degree of modulation,<sup>7</sup> generating noise according to a random number,<sup>8</sup> transmitting inverted data together with the real data,<sup>9</sup> and any combination of these.<sup>10</sup>

In other words, Fujioka is maintaining power consumption at a higher level than required by the device to maintain more security. This is opposite of the objective of the Applicant's claimed invention as recited in amended Claim 1. Fujioka does not attempt to solve the problem of reducing power consumption, much less describe that hardware of the encryption means which is not required for the public key encryption operation is not operated during the public key encryption operation, and hardware of the encryption means which is not required for the common key encryption operation is not operated during the common key encryption operation as recited in amended Claim 1. In fact, none of paragraphs

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<sup>2</sup> Fujioka, par. 12, 13, 14, 15, 17, 18, 19.

<sup>3</sup> Fujioka, par. 47.

<sup>4</sup> Fujioka, par. 51 and 57.

<sup>5</sup> Fujioka, par. 66,

<sup>6</sup> Fujioka, par. 70 and 76.

<sup>7</sup> Fujioka, par. 87.

<sup>8</sup> Fujioka, par. 90.

<sup>9</sup> Fujioka, par. 96.

<sup>10</sup> Fujioka, par. 101.

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55, 63, and 80 of Fujioka, cited by the outstanding Office Action as describing "encryption means", describe the above feature.

Accordingly, Applicant respectfully submits that amended Claim 1 and claims dependent therefrom are allowable.

It is therefore respectfully requested that the rejection of Claim 1-7 under 35 U.S.C. § 102(e) as anticipated by Fujioka be withdrawn.

New Claims 8-13 recite similar subject matter as Claims 1 and 3-7, without the use of "means" elements. Accordingly, Claims 8-13 are allowable for at least the reasons described above with regard to Claim 1.

Further, 35 U.S.C. § 112, sixth paragraph, does not apply to Claims 8-13, and Claims 8-13 should not be construed based on 35 U.S.C. § 112, sixth paragraph.

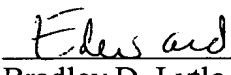

Consequently, in view of the foregoing discussion and present amendment it is respectfully submitted that the present application is in condition for formal allowance, and an early and favorable reconsideration of this application is therefore requested.

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